



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Courthouse Drive

Ellicott City, Maryland 21043

410-313-2350

Voice/Relay

Valdis Lazdins, Director

FAX 410-313-3467

August 2, 2016

Dave Woessner
308 Magothy Road
Severna park, MD 21146

RE: WP-17-007 Ellicott Overlook
(SDP-16-062)

Dear Mr. Woessner:

The Director of the Department of Planning and Zoning considered your request for an alternative compliance from the Howard County Subdivision and Land Development Regulations.

As of the date of this letter, the Planning Director **approved** your request for an alternative compliance of **Section 16.1205(a)(7)** of the Howard County Subdivision and Land Development Regulations. **Section 16.1205(a)(7)** of the Howard County Subdivision and Land Development Regulations requires that State champion trees, trees 75% of the diameter of state champion trees, and trees 30" in diameter or larger are considered priority for on-site retention and protection in the County.

Approval is subject to the following conditions:

1. The applicant shall mitigate the removal of one specimen tree by installing no fewer than 2 native species shade trees found on the approved landscape plant list. The caliper of the tree shall be no less than 3", the replacement trees shall be shown on the Site Development Plans along with \$300.00 of landscape surety for each tree to be provided as part of the builders grading permit application.
2. A redline revision to F-15-025 Supplemental Plans shall be submitted to DPZ to reference the following:
 - ✦ Add a general note regarding the alternative compliance petition approval date, section seeking alternative compliance, and approval conditions.
 - ✦ Show the specimen tree to be removed, and the replacements to be planted.
3. Add a general note to SDP-16-062 referencing WP-17-007 with the alternative compliance petition approval date, section seeking alternative compliance, and approval conditions.
4. The applicant shall comply with the SRC comments regarding SDP-16-062.

Our decision was made based on the following:

Extraordinary hardships or practical difficulties:

As stated above, there are four specimen trees on-site, one of which is proposed to be removed due to its close proximity to construction and the potential significant damage from construction activity which would have impacted the critical root zone. Should the regulations be strictly enforced, it would create a hardship and

practical difficulty for the owner and developer should this tree fall during construction or on the home after construction.

Implementation of Alternative Compliance:

This specimen tree will be significantly impacted by the close proximity to construction due to significant impacts to the critical root zone, which can create a potential hazard for the future home owners. Since the applicant will be removing one specimen tree (2nd overall) from the subject property, DPZ will require the owner/developer to replace this specimen tree that is being removed with two shade trees as mitigation.

Approval will not be detrimental to the Public Interest:

The specimen tree that is to be removed is internal to the site and currently is not visible to the neighboring properties due to the other existing site trees which are to remain. Since the specimen tree is in close proximity to the house, damage to the tree or the critical root zone would create a hazardous situation for the builder or the future home owners. DPZ will require the developer to plant 2 specimen trees on site to mitigate the removal of this specimen tree. Approval of this alternative compliance request will not be detrimental to the public interest.

Approval will not nullify the intent of the Regulations:

Approval of this alternative compliance petition will not nullify the intent of the regulations since removing this tree will eliminate the potential of a hazardous situation should the tree become damaged. DPZ will require the builder to plant 2 shade trees, as mitigation for the removal of this specimen tree.

Indicate this alternative compliance petition file number, request, section of the regulations, action, conditions of approval, and date on all related plats, and site development plans, and building permits. This requested alternative compliance will remain valid for one year from the date of this letter or as long as this site development plan remains in active processing.

If you have any questions, please contact Rashidi Jackson at (410) 313-2350 or email at rjackson@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/RJ

cc: Research
DED
Real Estate Services
Fisher, Collins, & Carter, INC.
SDP-16-062